

BOSE McKINNEY & EVANS LLP



2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, Indiana 46204
(317) 684-5000

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NOV 21 2000

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 2736

Atty. Docket: 8266-0165

Applicants: Dixon, et al.

Invention: PATIENT POSITION
DETECTION APPARATUS
FOR A BED

Serial No.: 09/264,174


Filed: March 5, 1999

Examiner: Tai T. Nguyen

Certificate Under 37 C.F.R. § 1.8(a) Technology Center 2600

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail in an envelope addressed to the Assistant
Commissioner for Patents, Washington, D.C. 20231

on November 8, 2000


Brenda L. Vandever

Dated: November 8, 2000

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OFFICE OF PETITIONS

PETITION TO CORRECT INVENTORSHIP
UNDER 37 C.F.R. § 1.48(a)

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:



Applicant petitions to add Mr. Carl W. Riley as an inventor of the claimed subject matter of the present application pursuant to 37 C.F.R. § 1.48(a). An unintentional error has resulted in Mr. Riley being improperly omitted.

Steve A. Dixon, Douglas J. Menkedick, William L. Jacques, James W. Jones, James K. Findlay, Jack Wilker Jr., and Eugene E. Osborne were properly named inventors in the originally filed application.

Mr. Carl W. Riley contributed subject matter to the application but was inadvertently not named as an inventor in the application. Enclosed is a Statement from Carl W. Riley that the inventorship error occurred without deceptive intention on his part. Accordingly, addition of the name of Carl W. Riley as an inventor of the application is respectfully requested.

An Amendment to Correct Inventorship under 37 C.F.R. § 1.48(a) is being filed

contemporaneously with this Petition.

Enclosed herewith is a new Declaration and Power of Attorney from the actual inventors, the Written Consent of the assignee, Hill-Rom, Inc., to the correction of inventorship, and a check for the \$130 petition fee under 37 C.F.R. § 1.17(i) for correcting inventorship. An Assignment (copy enclosed) from Carl W. Riley to Hill-Rom, Inc. is being separately recorded. The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to our Deposit Account No. 02-3223.



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Respectfully Submitted,
BOSE MCKINNEY & EVANS LLP Technology Center 2600

By: _____

Paul E. Franz
Reg. No. 45,910

PEF/pd
Indianapolis, Indiana
(317) 684-5263

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CONSENT BY ASSIGNEE

OFFICE OF PETITIONS

Commissioner for Patents
Washington, D.C. 20231

Sir:

Hill-Rom, Inc. is the Assignee of the above-cited application. A copy of the Assignment is attached. Hill-Rom, Inc., through its authorized representative, hereby consents to the change of inventorship in the captioned application by adding Carl W. Riley as an inventor so that the named inventors are Steve A. Dixon, Douglas J. Menkedick, William L. Jacques, James W. Jones, James K. Findlay, Jack Wilker Jr., Eugene E. Osborne, and Carl W. Riley. The undersigned has reviewed all of the documents in the chain of title of the patent application identified above, and to the best of the undersigned's knowledge and belief, title is in the assignee identified above. The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

October 25, 2000
Date

Timothy R. Renfro
Signature

Timothy R. Renfro
Printed Name

Assistant Secretary
Title

ASSIGNMENT OF APPLICATION

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid to each of the undersigned,

Name(s) Carl W. Riley
maker(s) of an invention which is the subject of an application for Letters Patent of the United States ("Application") entitled

Title of Application PATIENT POSITION DETECTION APPARATUS FOR A BED

Date of signing of Application by each Inventor Which has been executed by the undersigned on

Application Information For which an application for a United States Patent was filed March 5, 1999

Application Serial Number: 09/264,174

the undersigned hereby sell(s), assign(s), and set(s) over to

Name of Assignee Hill-Rom, Inc.

Address of principal place of business 1069 State Route 46 East
Batesville, Indiana 47006-8835

Insert State of Incorporation (if applicable) a corporation of Indiana

(hereinafter designated as the Assignee) their entire right, title and interest in, to and under the Application, including all priority rights for other countries arising therefrom, all inventions therein disclosed, and any and all Letters Patent of the United States and of all other countries, which may be granted for such inventions, or any of them, all such inventions and all rights in such Application and Letters Patent to be held and enjoyed by Assignee for its own use and enjoyment to the full end of the term or terms for which such Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by them had this assignment and sale not been made.

The undersigned agree(s) to execute all papers necessary in connection with the application(s) in the United States and foreign countries and any continuing, divisional, or reissue applications thereof, and any reexamination of any of such applications, and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared or litigation concerning the application(s) or continuation, division, reissue or reexamination thereof, and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such Interference or litigation.

The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

The undersigned agree(s) to do all other acts which, in the opinion of Assignee, may be necessary or desirable to secure the grant of Letters Patent to Assignee or its nominees, in the United States and in all other countries where Assignee may desire to have such inventions, or any of them, patented, with specifications and claims in such form as shall be approved by Assignee and to vest and confirm in Assignee or its nominees the full and complete legal and equitable title to all such Letters Patent.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patent of the United States resulting from said application(s) or any division or continuing or reissue applications thereof, and any reexamination of any of such applications, to the said Assignee, as Assignee of the entire interest, and hereby covenants that the undersigned has full right to convey the interest herein assigned, and that the undersigned has not executed, and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the attorney of record the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, I have executed this assignment at Batesville, Indiana
this 29 day of August, 2000.

Outside the USA: _____
Witnesses are required when acknowledgment before a Notary Public is not feasible. _____
Witness

Carl W. Riley
Inventor (Signature)

Carl W. Riley
Inventor (Printed Name)

ACKNOWLEDGMENT

STATE OF Indiana)
COUNTY OF Ripley) SS:

Acknowledged before me, a Notary Public, within and for said County and State. Witness my hand and Notarial Seal this 29th day of August, 2000.

Beverly J. Lamping
Notary Public
Beverly J. Lamping
Printed Name

My Commission Expires: 12-12-07 Resident of Franklin County.

DECLARATION AND POWER OF ATTORNEY -- PATENT APPLICATION

As below named inventor, I hereby declare that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought in the application entitled: PATIENT POSITION DETECTION APPARATUS FOR A BED the specification of which

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(check one)

_____ is attached hereto

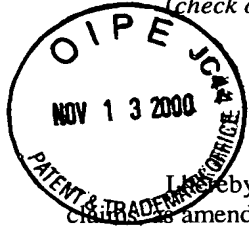
X was filed on March 5, 1999

United States Application Serial No. 09/264,174

PCT International Application No. _____

and was amended on _____ (if applicable).

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I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (If applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

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Corrected Inventionship: Duh AV2632 01/30/01

As a named inventor, I hereby appoint James A. Coles, Reg. No. 28,291; Timothy E. Niednagel, Reg. No. 33,266; R. Trevor Carter, Reg. No. 40,549; Jeffery B. Huter, Reg. No. 41,086; Norman J. Hedges, Reg. No. 44,151; Gerald W. Roberts, Reg. No. 45,046; and Paul E. Franz, Reg. No. 45,910; as attorneys of record, and William S. Meyers, Reg. No. 42,884 as agent of record, with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith, and I specify that communications regarding the application be directed to:



Intellectual Property Group
Bose McKinney & Evans LLP
135 North Pennsylvania Street, Suite 2700
Indianapolis, Indiana 46204
Telephone: (317) 684-5000
Facsimile: (317) 684-5173

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Stephen A. Dixon

Full Name of Sole or First Joint Inventor

Stephen A. Dixon
Inventor's signature

US

Country of Citizenship

8/29/00
Date

9533 Old Woods Drive

Hamilton, Ohio 45011

Residence and Post Office Address

Douglas J. Menkedick

Full Name of Second Joint Inventor

Douglas J. Menkedick
Inventor's signature

US

Country of Citizenship

9/1/2000
Date

4617 North Dearborn Road

Guilford, Indiana 47022

Residence and Post Office Address

William L. Jacques

Full Name of Third Joint Inventor

William L. Jacques
Inventor's signature

US

Country of Citizenship

9/2/00
Date

75 Arlington Drive

Batesville, Indiana 47006

Residence and Post Office Address

☐ Additional inventors are similarly identified on attached sheet

James W. Jones

Full Name of Fourth Joint Inventor

James W. Jones
Inventor's signature

1155 N.W. 30th Avenue

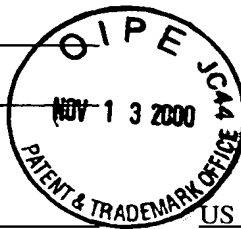
Gainesville, Florida 32609

Residence and Post Office Address

US

Country of Citizenship

10-10-00
Date



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James K. Findlay

Full Name of Fifth Joint Inventor

James K. Findlay
Inventor's signature

7497 Timberline Drive

Fishers, Indiana 46038

Residence and Post Office Address

US

Country of Citizenship

10-5-2000
Date

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Jack Wilker, Jr.

Full Name of Sixth Joint Inventor

Jack Wilker Jr.
Inventor's signature

1418 Aaron Drive

Shelbyville, Indiana 46176

Residence and Post Office Address

US

Country of Citizenship

8-29-00
Date

Eugene E. Osborne

Full Name of Seventh Joint Inventor

Eugene E. Osborne
Inventor's signature

2257 Kyle Drive

Hebron, Kentucky 41048

Residence and Post Office Address

US

Country of Citizenship

8-31-00
Date

Carl W. Riley

Full Name of Seventh Joint Inventor

Carl W. Riley
Inventor's signature

3773 North State Road 129

Milan, Indiana 47031

Residence and Post Office Address

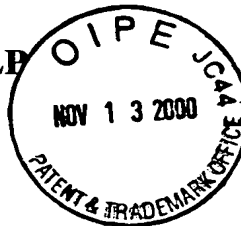
US

Country of Citizenship

8-29-00
Date

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BOSE McKINNEY & EVANS LLP



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Examiner: Unknown }

Certificate Under 37 C.F.R. § 1.8(a)

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On: November 8, 2000

Brenda L. Vandever
Brenda L. Vandever

Dated: November 8, 2000

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VERIFIED STATEMENT IN SUPPORT OF
PETITION TO CORRECT INVENTORSHIP

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Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Carl W. Riley, declare that:

1. I have reviewed the above-cited patent application entitled PATIENT POSITION DETECTION APPARATUS FOR A BED filed on March 5, 1999 as Application Serial No. 09/264,174. The present patent application includes claims to which I contributed. Therefore, I should be listed as an inventor of the present patent application.

2. The omission of my name from the list of inventors for the present application was made through error without any deceptive intent on my part.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Dated: 8-29-00

Carl W. Riley
Carl W. Riley



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AMENDMENT TO CORRECT INVENTORSHIP
UNDER 37 C.F.R. § 1.48(b)

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Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

An amendment to correct inventorship in the above-identified application pursuant to 37 C.F.R. § 1.48(b) is requested. A restriction requirement was imposed in the present application in Paper # 5, mailed August 29, 2000. In response to the restriction requirement, Applicant elected claims 1-47 ("Group I") and cancelled the remaining claims 48-67 to the non-elected invention(s) on September 28, 2000. The cancellation of the non-elected claims has resulted in inventors being improperly included.

Eugene E. Osborne and Jack Wilker Jr. contributed subject matter to the original application but are not actual inventors of the elected invention in claims 1-47. Thus, the invention of Eugene E. Osborne and Jack Wilker Jr. is no longer being claimed in the application. Accordingly, deletion of the names of Eugene E. Osborne and Jack Wilker Jr. as inventors in the above-identified application is respectfully requested.

Inventorship of the originally filed application has been corrected under 37 C.F.R. § 1.48(a) in a separate paper filed herewith. Therefore, after deletion of the names Eugene E. Osborne and Jack Wilker Jr., the correct named inventors of the elected invention in claims 1-47 shall be Steve A. Dixon, Douglas J. Menkedick, William L. Jacques, James W. Jones, James K. Findlay, and Carl W. Riley.

A Petition to Correct Inventorship under 37 C.F.R. § 1.48(b) is being filed contemporaneously with this Amendment.

Respectfully submitted,

BOSE MCKINNEY & EVANS LLP

By: 

Paul E. Franz
Reg. No. 45,910

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Indianapolis, Indiana
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307110